AN ORDINANCE 2006-05-18-0622

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OFFICIAL ZONING MAP OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 18.56 acres out of NCB 16334 from "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "C-3 ERZD" General Commercial Edwards Recharge Zone District.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 90%.

SECTION 4. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 5. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water

SG: 05-18-06 Item No. Z-16.

quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 6. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 7. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 8. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 9. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 10. This ordinance shall become effective on May 28, 2006.

PASSED AND APPROVED this 18th day of May, 2006.

PHIL HARDBERGER

ATTEST:

APPROVED AS TO FORM:

City Attorney

Agenda Voting Results

Name:

Z-16.

Date:

05/18/06

Time:

06:42:27 PM

Vote Type:

Multiple selection

Description: ZONING CASE #Z2005280 (District 8): An Ordinance amending the zoning district boundary from "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "C-3 ERZD" General Commercial Edwards Recharge Zone District on 18.56 acres out of NCB 16334, 19100 Block of Blanco Road as requested by Brown, P. C., Applicant, for Reitmeyer Investments, Ltd., Owner(s). Staff and Zoning Commission recommend Approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		X	<u> </u>	
RICHARD PEREZ	DISTRICT 4		×		
PATTI RADLE	DISTRICT 5		×		
DELICIA HERRERA	DISTRICT 6		X		
ELENA K. GUAJARDO	DISTRICT 7		X		
ART A. HALL	DISTRICT 8		X		
KEVIN A. WOLFF	DISTRICT 9		X		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present		- 11.50	



ENGINEERING,

Date: June 8, 2005 Project No: 7671.00 Page 1 of 2

FIELDNOTES FOR 18.56 ACRES

Field notes describing 18.56 acres of land, N.C.B. 16334, being a portion of that certain 18.63 acre tract described in that certain deed in Volume 8583, Page 727-732 Official Public Records of Bexar County, Texas.

BEGINNING at a 1/2 inch iron rod found on the Southwestern right of way of Blanco Road (120.0° R.O.W.) for the Southeastern corner of the said 18.63 acre tract, the Northeast corner of that certain 12.46 acre tract called a CPS Buffer Easement, recorded in Volume 7816, Page 1079 of the Deed and Plat Records of Bexar County, Texas, for the Southeast corner of this tract;

THENCE: \$ 89° 53' 28" W - 1.630.71 feet along the Southern line of the said 18.63 acre tract, the Northern line of the said 12.46 acre tract to a 1/2 inch iron rod with yellow plastic cap marked "Ford Eng Inc." set for the Southwest corner of the said 18.63 acre tract, the Northwest corner of the said 12.46 acre tract on the Southeastern right of way of Huebner Road (110.0' R.O.W.), for the Southwest corner of this tract;

THENCE: N 20°30'01" E - 95.89 feet along the Southeastern line of said Huebner Road, the Northwestern line of the said 18.63 acre tract to a 1/2 inch iron rod with yellow plastic cap marked "Ford Eng Inc." set for a corner of the said 18.63 acre tract, a corner of this tract;

THENCE: continuing with the Southeastern line of said Huebner Road, the Northwestern line of said 18.63 acre tract, a curve to the right having a Delta angle of 45°25'09", a Radius of 794.99 feet, a Length of 630.20 feet and a Chord bearing of N 42°26'05" E - 613.83 feet to a 1/2 inch iron rod with yellow plastic cap marked "Ford Eng Inc." set for a corner of the said 18 63 acre tract and a corner of this tract;

THENCE: N 65°08'40" E - 98.89 feet continuing along said line to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc." set for a corner of the said 18.63 acre tract and a corner of this tract;

THENCE: continuing along said line, a curve to the left having a Delta angle of 24°43'54", a Radius of 805.03 feet, a Length of 347.49 feet and a Chord bearing of N 52°46'40" E - 344.80 feet to a 1/2 inch iron rod with yellow plastic cap marked "Ford Eng Inc." set for a corner of the said 18.63 acre tract and a corner of this tract;

THENCE: N 40°24'41" E - 30.30 feet continuing along said line to a ½ inch iron rod found for the Westernmost corner of Lot 1, Block 72; Blanco Ridges, Unit No. 1 recorded in Volume 9552, Page 78 of the Deed and Plat records of Bexar County, Texas, for a corner of the said 18.63 acre tract and a corner of this tract;



ENGINEERING, **FORD**

Page 2 of 2

THENCE: S 42°17'17" E - along the Southwestern line of said Blanco Ridges, Unit No. 1, at 330.00 feet pass a 1/2 inch iron rod found for the Southwestern corner of said Blanco Ridges, Unit No. 1, the Northwestern corner of that certain 0.049 acre tract out of the said 18.63 acre tract, recorded in Volume 9733, Page 908 of the Deed and Plat records of Bexar County, Texas, a distance in all of 387.42 feet to a 1/2 inch iron rod with yellow plastic cap marked "Ford Eng Inc. set for the Southernmost corner of the said 0.049 acre tract, for a corner of this tract;

THENCE: N 54°59'37" E - along the Southern line of the said 0.049 acre tract, the Southern line of the said Blanco Ridges, Unit No. 1, at 74.9 feet pass a 1/2 inch rod found for the Easternmost corner of the said 0.049 acre tract, a corner of the said Blanco Ridges, Unit No. 1, a distance in all of 213.57 feet to a 1/2 inch iron rod found on the Southwestern line of said Blanco Road, for the Southeastern corner of the said Blanco Ridges, Unit No. 1, a corner of the said 18.63 acre tract, for the Easternmost Northeast corner of this tract;

THENCE: along the Southwestern line of said Blanco Road, a curve to the right having a Delta angle of 06°46'51", a Radius of 1,962.41 feet, a Length of 232.24 feet and a Chord bearing of S 31°35'00" E - 232.11 feet to a Texas Department of Transportation concrete monument found for a corner of the said 18.63 acre tract, for a corner of this tract;

THENCE: S 28°11'35" E - 511.88 feet continuing along said line to the POINT OF BEGINNING and containing 18.56 acres of land according to a survey made by Ford Engineering, Inc. under my supervision.

Reference Bearing is NAD 83 Texas State Plane Coordinate System. Corresponding plat prepared. 767100FN.DOC

Rex L. Hackett

Registered Professional Land Surveyor

License Number 5573

CASE NO: Z2005280

Staff and Zoning Commission Recommendation - City Council

Date:

May 18, 2006

Zoning Commission Meeting Date: April 18, 2006

Council District: 9

Ferguson Map: 482 B8

Applicant:

Owner:

Brown, P. C.

Reitmeyer Investments, Ltd.

Zoning Request:

From "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "C-3

ERZD" General Commercial Edwards Recharge Zone District

18.56 acres out of NCB 16334

Property Location:

19100 Block of Blanco Road

Southeast side of Blanco Road 419.24 feet from Huebner Road and southwest side of Huebner Road 195.12 feet from Blanco Road

Proposal:

Commercial Business Park

Neighborhood Association

Sonterra Stone Oak Neighborhood Association

Neighborhood Plan:

None

Traffic Impact Analysis

A TIA report is required and has been submitted. The 18.6-acres is currently zoned MF-33 Single Family Residential use. The current zoning would have generated approximately 4,125 daily vehicle trips. The property is proposed to be C-3 Business Park and developed into professional offices, specialty retail, and restaurants. The proposed C-3 development is projected to generate 2,786 daily vehicle trips, a decrease of 1,339 vehicle trips per day. Typical development on C-3 zoning of this size would generate 8,697 average daily traffic, an increase of 4,582 vehicle trips per day. If the proposed site was to be developed differently from the proposed business park, a revised Level-2 or Level-3 TIA will be required at platting.

Staff Recommendation:

Approval

The subject property is currently undeveloped and located southwest and southeast of the intersection of two major thoroughfares (Blanco Road and Huebner Road). "C-3" General Commercial District at this site would be a continuation of the commercial uses to the north. The subject property is adjacent to "C-2" Commercial Edwards Recharge Zone District to the north (vacant) and "R-6" Residential Single-Family Edwards Recharge Zone District across Huebner Road to the northwest (single-family dwellings) with "C-2" Commercial Edwards Recharge Zone District across Blanco Road to the north and northeast. An easement provides a buffer to the south. The requested rezoning is consistent with the development pattern along Blanco Road. The "C-3" General Commercial Districts permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. "C-3" uses would be more appropriate than multi-family dwellings at this location. The calculation for 18.56 acres for the existing "MF-33" Multi-Family District would allow a potential of 614 multi-family dwellings.

Traffic circulation is better managed with multiple frontages that offer more flexibility in vehicular ingress and egress. The "C-3" zoning district is appropriate in order to complete the commercial node at the intersection of Blanco Road and Huebner Road. Many of the intense uses that are normally allowed in "C-3" would be prohibited at this location in the ERZD.

- 1. SAWS recommends approval of the proposed land use.
- 2. The property is classified as a Category 1 property.
- 3. SAWS recommends that the impervious cover on the site shall not exceed 90%

CASE NO: Z2005280

Staff and Zoning Commission Recommendation - City Council

Zoning Commission Recommendation: Approval with SAWS recommendations		<u>VOTE</u>	
		FOR	10
		AGAINST	0
CASE MANAGER:	Pedro Vega 207-7980	ABSTAIN	0
		RECUSAL	0

Z2005280

ZONING CASE NO. Z2005280 – April 18, 2006

Applicant: Brown, P. C.

Zoning Request: "MF-33" ERZD Multi Family Edwards Recharge Zone District to "C-3" ERZD General Commercial Edwards Recharge Zone District.

Ken Brown, 112 E. Pecan, representing the owner, stated they are proposing to develop a commercial business park on the subject property. He stated they have met with the neighborhood association and have their support. They did raise some concerns with nightclubs bars and car repair shops however the owner has agreed preparing restrictive covenants to prohibit those uses. He further stated they have been meeting with SAWS representatives regarding this request and have a Category 1 letter stating they would develop the 380 acres under 15 % impervious cover as a Master Plan Community.

Staff stated there were 42 notices mailed out to the surrounding property owners, 1 returned in opposition and 2 returned in favor and no response from Sonterra Stone Oak Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Wright and seconded by Commissioner Robbins to recommend approval along with the requirement stated in SAWS report.

- 1. Property is located on 18.56 acres out of NCB 16334 at Blanco Road and Huebner Road.
- 2. There were 42 notices mailed, 1 returned in opposition and 2 in favor.
- 3. Staff recommends approval.

AYES: Avila, Robbins, Rodriguez, Gadberry, Marshall, Sherrill, Wright, Stribling,

Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

SAN ANTONIO WATER SYSTEM Interdepartment Correspondence Sheet

To:

Zoning Commission Members

From:

Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To:

Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I.

Mireles, P.E., Mike Barr, Resource Protection Specialist II, Aquifer Protection &

Evaluation Section, File

Subject:

Zoning Case Z2005280 (Commercial Business Park)

Date: April 4, 2006

SUMMARY

A request for a change in zoning has been made for an approximate 18.6-acre tract located on the city's north side. A change in zoning from MF-33 ERZD to C-3 ERZD is being requested by the applicant, Brown, P.C., by Mr. Kenneth W. Brown. The change in zoning has been requested to allow a commercial business park development. The property is classified as Category 1 property.

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 9, south of the intersection of Blanco Road and Huebner Road. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from MF-33 ERZD to C-3 ERZD and will allow for the construction of a commercial development. Currently the site is covered in native vegetation and undeveloped.

2. Surrounding Land Uses:

A commercial development is adjacent to the northeast corner. Huebner Road bounds the western boundary. Blanco Road bounds the eastern and northern boundary. A power line easement bounds the western and southern portion of the property.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted a field observation on December 13, 2005 of the referenced property to assess the geologic conditions present at the site. SAWS staff Geologist, Ms. Joan Falkenberg, P.G., was present during the site visit. No significant features were noted during the field observation as the geology was obscured by leaf litter, vegetation, and areas of thick soil cover. Limestone outcrops were visible at the surface in some areas and exhibited typical weathering features of exposed bedrock. Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the majority of the subject site was underlain by the Dolomitic Member and Cyclic and Marine Member of the Edwards Formation. A small portion of the tract is shown to be within the Basal Nodular Member of the Edwards Formation. Both the Cyclic Marine and Basal Nodular Members are located within the Person Formation and the Dolomitic Member within the Kainer Formation of the Edwards Group. A fault is shown to be in the vicinity of the subject tract and would account for the characteristic differences within the lithology of the Group. According to FEMA Flood Insurance Maps, no part of the subject property is within the 100 year floodplain.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

Site Specific Concerns

1. The overall Greystone Country Estates encompasses 383.99 acres that includes the 18.56 acres for this zoning case. The initial agreement for the entire 383.99 acres is not to exceed 15% impervious cover.

Table 1. The following table shows the overall Greystone Development and how each unit is broken down by acreage and impervious cover. The unit that is being rezoned is Blanco Ridges Unit-2.

Development	Acreage	Impervious Cover Area	Impervious Cover %
Greystone Unit One	53.19 acres	11.304 acres	21.25%
Greystone Unit Two	282.348 acres	16.42 acres	5.82%
Greystone Unit Two (Lot 97 Replat)	31.454 acres	1.40 acres	4.45%
Blanco Ridges Unit 1	2.078 acres	2.078 acres	100.00%
Huebner Road	3.80 acres	1.727 acres	45.45%
Blanco Crossing	24.02 acres	6.005 acres	25.00%
Blanco Ridges Unit 2	18.56 acres	16.704 acres	90.00%
Net Totals	383.996 acres	55.392 acres	14.97%

Source: Civil Engineering Company, 2006.

General Concerns

- 1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
- 2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover for the subject property, known as Blanco Ridges Unit – 2, will not exceed 90% impervious cover. This property is part of an overall development that will not exceed 15%.

- 2. The land uses within the zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
- 3. The owner of all water pollution abatement structures shall be responsible for properly maintaining the basin and that it is kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
- 4. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available form the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.
- 5. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.
- 6. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

General Recommendations

- 1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
- 2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:

- A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
- B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
- C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
- D. A copy of the approved Water Pollution Abatement Plan.
- 3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
- 4. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
 - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.
 - C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement, from the new owner, must be submitted to the Resource Protection Division of SAWS.
- 5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
- 6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.

Linh M. Mixon

Manager

Resource Protection Division

APPROVED:

Scott R. Halty

Director,

Resource Protection & Compliance Department

KMN:MJB





